**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|---|
| BETH E. KENDALL, | : | Civil Action No. 10-01209 |
| | : | |
| Plaintiff, | : | |
| | : | Hon. Nora Barry Fischer |
| vs. | : | |
| | : | |
| JOHN E. POTTER, | : | |
| | : | Electronically Filed |
| Defendant. | : | |

**PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

AND NOW, comes Plaintiff, Beth E. Kendall, by and through her counsel, Neal A. Sanders, Esquire, of the Law Offices of Neal A. Sanders, and files this Plaintiff's Motion For Leave To File First Amended Complaint and states as follows:

1. Before the Court is Plaintiff's claims of wrongful termination and retaliation for engaging in protected activity.

2. The Plaintiff's removal as of December 11, 2009 is already before the Court.

3. Subsequent to her removal on December 11, 2009, the Defendant documented Plaintiff to have been effectively terminated from employment effective July 1, 2010.

4. Although overkill, Plaintiff filed a timely challenge to the July 1, 2010 termination date with an EEO/Complaint.

5. A Final Agency Decision concerning the July 1, 2010 termination date was issued on September 27, 2010, and received on September 30, 2010.

6. Less than ninety (90) days have elapsed since Plaintiff received this Final Agency Decision dated September 27, 2010.

7. Plaintiff has now amended her Complaint accordingly.

8. Attached hereto is Plaintiff's First Amended Complaint, Final Agency Decision dated June 22, 2010; Final Agency Decision dated September 27, 2010 and Proposed Order.

9. Plaintiff respectfully requests that this Honorable Court grant this Motion and enter the attached Order.

Respectfully submitted,

LAW OFFICES OF NEAL A. SANDERS

Dated: December 13, 2010

By:/s/Neal A. Sanders

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Beth E. Kendall

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